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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/518,120    03/03/00    ROBINSON

D    0739D-000074

EXAMINER

PM82/0301

Harness Dickey & Pierce PLC  
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Bloomfield Hills MI 48303

EDELL, J  
ART UNIT

PAPER NUMBER

3636  
DATE MAILED:

03/01/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/518,120

Applicant(s)

ROBINSON ET AL.

Examiner

Joseph F Edell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" in Figure 7 has been used to designate both recliner rod and housing. Correction is required.
2. The drawings are objected to because indication line lacks number designation in Figure 6. Correction is required.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract contains the legal phraseology "said" in line 5.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,5-9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,344,215 to Dahlbacka.

Dahlbacka shows a recliner mechanism having a "housing" (Fig. 3), a "latching mechanism" 74 (Fig. 3), a "recliner rod" 54 having a "plurality of teeth" 72 (Fig. 3) (claims 1 and 8), and a "guide mechanism" 62 (Fig. 4) (claim 5).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 13-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,344,215 to Dahlbacka.

Dahlbacka shows a recliner rod (Figs. 105), as discussed above, that is basically the same as that recited in claim 4 and claim 13 except that it has rectangular cross section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the recliner rod of Dahlbacka, since the hexagonal cross section and rectangular cross section are equally superior to a cylindrical cross section rod where the hexagonal cross section exists for only aesthetic purposes. Also,

it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture recliner rod of Dahlbacka from extrusion and coining techniques recited in Claims 18-20 for cost effective purposes.

8. Claims 2, 3, 10, 11, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlbacka in view of U.S. Patent No. 5,618,083 to Martone et al.

Dahlbacka teaches all the limitations of claims 2, 3, 10, 11, and 16 as discussed above except for a stop integrally formed to recliner rod. Figures 3-8 of Martone et al. show a recliner rod that has a stop integrally formed to the rod. It would have been obvious to one of ordinary skill at the time the invention was made to modify the recliner rod to employ a stop integrally formed to the rod of Dahlbacka as taught by Martone et al. as a cost effect means to limit the movement of the recliner rod..

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to recliner mechanism configuration:

U.S. Pat. No. 5685603 to Lane, Jr.

U.S. Pat. No. 5918939 to Magadan


U.S. Pat. No. 5947560 to Chen


U.S. Pat. No. 609560 to Magadan

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE   
February 26, 2001

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600